

**AMENDMENT UNDER 37 CFR 1.111
USAN 10/033,775**

REMARKS

Claim 1 has been amended to recite the presence of a control panel for a treadmill user on the treadmill based on, e.g., the disclosure in the paragraph bridging pages 4-5 in the application.

Entry of the above amendment is respectfully requested.

Information Disclosure Statement

While the Examiner has attached to the Office Action an initialed copy of page 1 of 2 of the Information Disclosure Statement filed May 24, 2002, the Examiner does not appear to have attached an initialed copy of page 2 of 2 of that Information Disclosure Statement.

Accordingly, Applicants respectfully request that the Examiner consider the information disclosed on page 2 of 2 of the Information Disclosure Statement and return an initialed copy of that page with the next communication from the PTO. For the Examiner's convenience, Applicants submit herewith a copy of page 2 of 2 of the Information Disclosure Statement, as well as a copy of each of the two documents cited therein.

Rejection under 35 U.S.C. 112, First Paragraph

On page 2 of the Office Action, in paragraph 2, claims 7-12 and 19-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner's position is that the claims contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to make

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and/or use the invention. In particular, the Examiner indicates that the pair of endless belts and other structure as claimed are not described and shown by the disclosure.

Applicants respectfully submit that the present application satisfies the requirements of 35 U.S.C. 112, first paragraph, and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

In particular, Applicants submit that the specification describes how to make an invention treadmill including a pair of endless belts and other structure in the disclosure beginning at, e.g., page 5, line 13, which is specifically directed to the particular invention embodiment at issue. Further, Applicants submit that the specification describes how to use an invention treadmill including a pair of endless belts and other structure in the disclosure beginning at, e.g., page 8, line 13, which is specifically directed to the embodiment at issue.

Thus, Applicants submit that the present application satisfies the requirements of 35 U.S.C. 112, first paragraph, and withdrawal of this rejection is respectfully requested.

Obviousness Rejection

On page 2 of the Office Action, in paragraph 4, claims 1-6 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al in view of Derksen.

The Examiner's position appears to be basically that in view of the well recognized use of treadmills for training horses as shown in Derksen, it would have been obvious to enlarge the Moon et al treadmill to any desirable width for accommodating any desired animal for exercise purposes. The Examiner indicates that an enlarged treadmill width would be desired to accommodate extremely large persons or animals and

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is considered a design choice that carries no patentable weight. As to method claims 13-18, the Examiner indicates that such a sized treadmill could be used for any desired function, such as accommodating plural animals.

Applicants respectfully submit that the present invention is not obvious over Moon et al in view of Derksen, and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

Initially, Applicants respectfully submit that one of ordinary skill in the art would not have combined Moon et al and Derksen.

Specifically, Moon et al is directed to a treadmill having a control panel positioned in such a manner as to minimize the likelihood of a user's foot striking a forward part of the treadmill's stationary base when the user is accessing the control panel (see, e.g., col. 1, lines 20-35). Thus, the Moon et al treadmill is directed to a user who would be on the treadmill and accessing the control panel.

In contrast, Derksen discloses a treadmill used by a horse.

Since a horse is not a treadmill user that would be accessing a control panel, one of ordinary skill in the art would not have applied the teachings of Derksen to Moon et al.

That is, one of ordinary skill in the art would not have made the belt of the Moon et al treadmill wide enough to accommodate a horse, because the Moon et al treadmill, with its specifically positioned control panel, is not intended to be used by a horse.

Rather, the Moon et al treadmill is intended to be used by a person, since a person is a user who would access a control panel. As can be seen from the use of treadmills with standard sized belts by extremely large people in fitness clubs, an extremely large person can use a treadmill with a standard sized belt. Since an extremely large person

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can use a treadmill with a standard sized belt, one of ordinary skill in the art would not have been motivated to enlarge the belt in Moon et al, particularly since such would have added to the cost of the Moon et al treadmill.

Thus, Applicants submit that claim 1 and the claims dependent thereon are not obvious over Moon et al in view of Derksen.

Further, as to claim 6 in particular, Applicants submit that the cited art combination neither teaches nor suggests such an embodiment, which includes a handle bar having a middle portion that can extend back from a middle part of the front portion of the handle bar. The middle portion can be grasped by the right hand of the left user and/or by the left hand of the right user of the claimed treadmill, and such is simply not contemplated by Moon et al and Derksen.

As to method claims 13-18, Applicants submit initially that these claims are not obvious for the same reasons given above with respect to claim 1, including that one would not have combined the references and that one would not have been motivated to enlarge the belt in the Moon et al treadmill.

Moreover, Applicants submit that the cited references neither teach nor suggest that more than one user can be using the treadmill at one time, and thus neither teach nor suggest the claimed method for exercising two treadmill users positioned side-by-side on the belt of a treadmill. Thus, even if the belt in Moon et al were wide enough to accommodate plural animals (which Applicants submit would not have been the case, as discussed above), there is still no teaching or suggestion in the cited art which would lead one to have actually exercised plural animals on such a belt.

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Thus, Applicants submit that claim 13 and the claims dependent thereon are not obvious over Moon et al in view of Derksen.

In addition, with respect to claim 18 in particular, Applicants submit that this claim is also not obvious for the same reason given above with respect to claim 6.

Thus, Applicants submit that the present invention is not obvious over Moon et al in view of Derksen, and withdrawal of this rejection is respectfully requested.

Conclusion

For at least the above reasons, Applicants submit that the present invention is now in condition for allowance.

If the Examiner wishes to discuss this application with the undersigned, he is requested to contact the undersigned at the local address and telephone number listed below.

In view of the above, allowance of the application is respectfully requested.

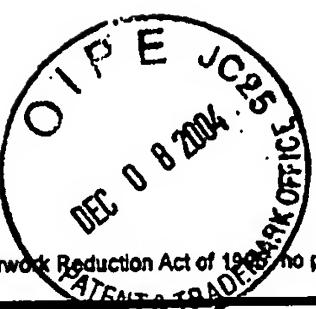
Respectfully submitted,



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Date: December 8, 2004



PTO/SB/088 (10-01)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

2 of 2

Complete If Known

Application Number	10/033,775
Filing Date	01/03/2002
First Named Inventor	Bruce E. Kramer
Group Art Unit	3764
Examiner Name	

Attorney Docket Number TREADMILL!

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		NordicTrack® Teton specifications sheet (Model #NTHK2249 Rev. 3-23-00)	
		NordicTrack® APEX6100 specifications sheet (Model #NTTL2299 Rev. 10-26-99)	

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RECEIVED

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Signature

Date
Considered

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

²Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

NordicTrack

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APEX 6100

Navigator™ Console

with Training Zones™ and alphanumeric feedback

Keep your workout on course. Every detail of this control console is designed to provide the ultimate in motivational feedback, cutting-edge workouts, and interactivity. The 24-light Training Zones™ indicate workout intensity; a fitness test and pulse driven workout actually sense and respond to heart rate; thirty-one custom and preprogrammed workouts add interest and variety. 1Step™ speed and incline control offer quick and easy adjustments. The iFit.com communications port allows new workouts to be run from the Internet, videos, and compact discs. The 5x30 workout profile matrix helps you monitor your workout. The alphanumeric feedback and two LED windows keep you on target by displaying your speed, time, distance, calories burned, fat calories, incline, and pulse.

iFit.com

This advanced control console features the latest technology in interactivity. Using iFit.com programming, workouts can be run from the Internet, videos, and compact discs. These interactive workouts are unparalleled in providing customized, goal-specific results.

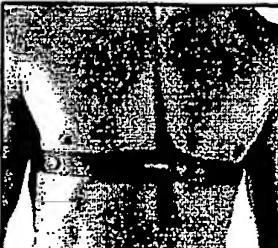


ErgoGrip™ Hand Weights

Increase the intensity of your workout with these neoprene-dipped 2-lb. ErgoGrip™ hand weights. These unique hand weights are designed with a grip that fits the shape of your hand for ultimate comfort.

Optional Chest Pulse Sensor

For the ultimate in heart-rate accuracy, the CardioTrack™ chest pulse sensor provides constant, precise readouts. This optional upgrade can be installed quickly and easily.



Oversized

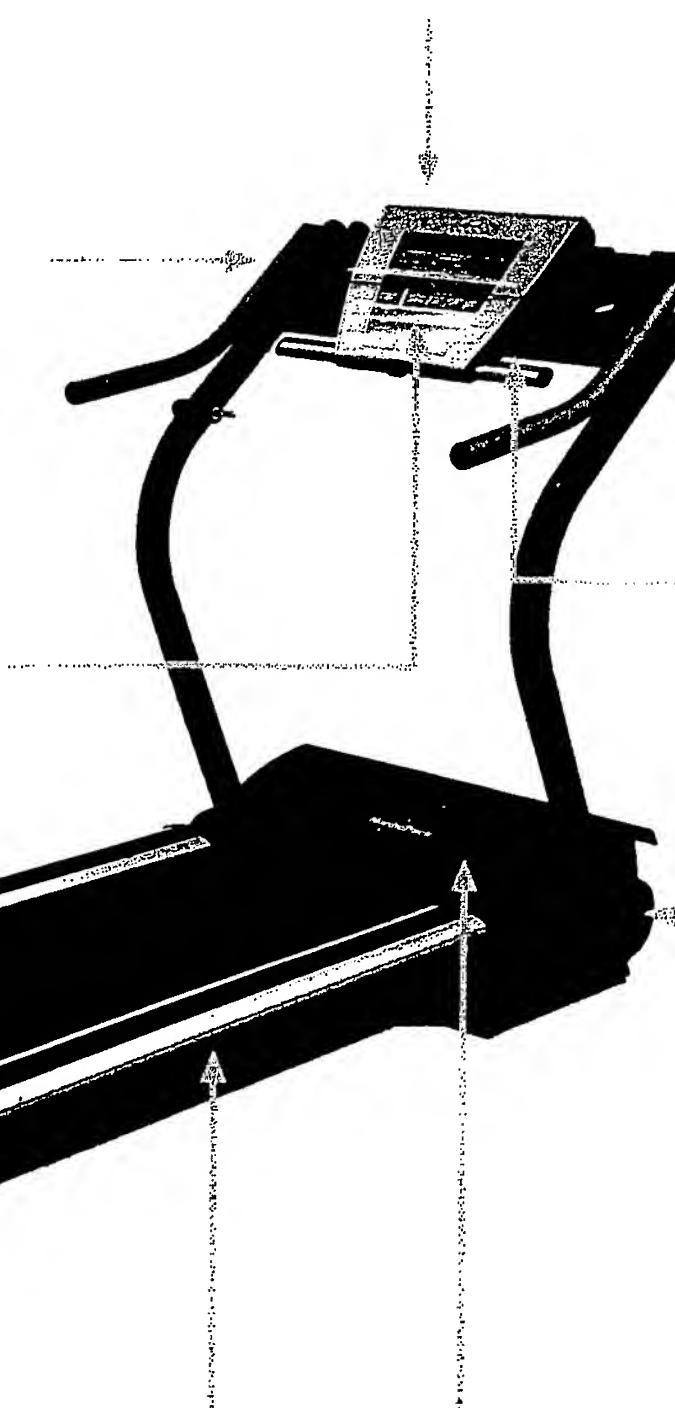
20" x 60" Treadbelt

This outstanding workout surface provides an extra-wide track to ensure total freedom of movement. Walk, run, sprint, or climb with secure, sure-footed strides.

Space Saver™

Fold-Away Design

To reclaim your living space when your workout is finished, the treadmill deck folds conveniently out of the way. Secure storage latch adds safety.

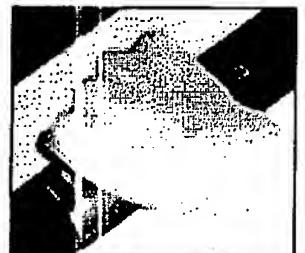


DuraSoft Cushioning™

To protect the important connective tissues in the ankle, knee, and hip joints, a durable layer of foam has been added to the top of the treadmill deck. This high-density cushioning absorbs impact at the exact point of impact for the highest degree of protection and comfort.

CardioGrip™ Pulse Sensor

For monitoring target heart rate, nothing matches the combination of accuracy and convenience found in CardioGrip™ sensors. At any time during the workout, simply grip the sensors for a quick reading of your heart rate.



Power Incline™

Range: 1.0% - 12.0%

Simulate a mountain trail at the touch of a button. Outstanding range and 1Step™ control add convenience and the ability to intensify the workout.

DuraDrive™ Operating System

with 3.0 -hp continuous-duty motor

Superior engineering makes this operating system quiet, durable, and efficient. The continuous-duty motor offers a silky smooth pace for years of exhilarating exercise.

Motor:
Power Incline:
Speed:
Treadbelt:

2.5 Continuous HP
1.0% to 12.0%
12 MPH
20" x 60"

NordicTrack

Navigator™ Console

Alphanumeric Feedback & Program Display

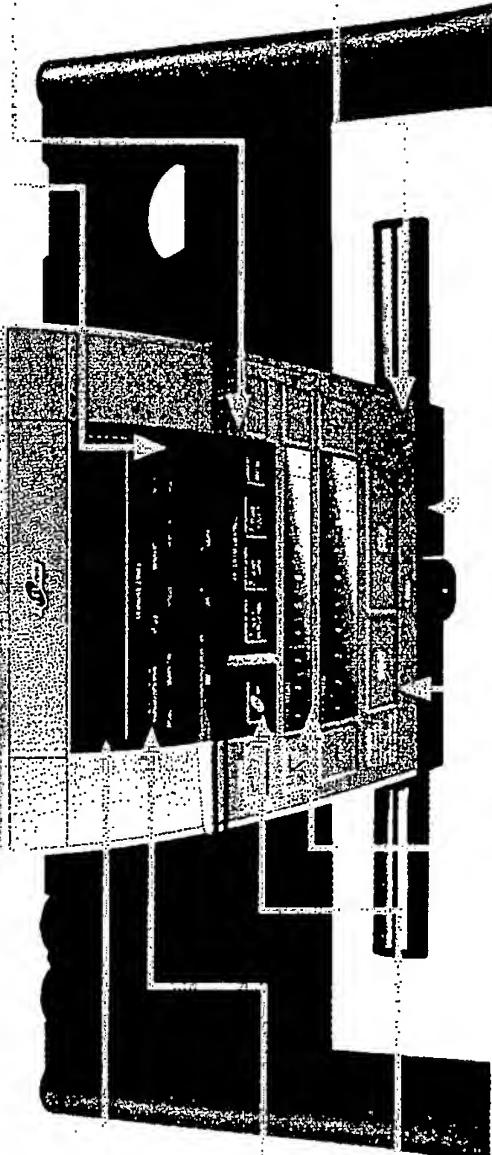
This display prompts you through workout program options as well as provides constant feedback throughout the workout. Feedback includes: incline percentage, pulse rate, current speed, elapsed time, distance in hundredths of a mile, total calories burned, segment time, laps and pace.

Workout Profile Matrix

This oversized 5 x 30 LED matrix displays the workout profile to provide a sense of progress and intensity during the workout. Additionally, it displays the various profiles to help when selecting a workout.

28-Light Training Zones™

This innovative display indicates workout intensity. Zones include warm up/cool down, fat burn, endurance, and performance.



Fitness Test

Find out just how in shape you really are with this built-in fitness test. The treadmill will increase gradually in speed and incline until you reach a set heart rate. You will then receive a score from 1 to 10 based on your performance.

User Defined Programming

This "smart" console will memorize your favorite workout and replay it at the touch of a button. Simply select "record" and make the changes to both speed and incline.

iFit.com Interactive™

This advanced control console features the latest technology in interactivity. Using iFit.com programming, workouts can be run directly from the Internet, from video tapes or from compact discs. These interactive workouts are unparalleled in providing customized, goal-specific results.

CardioTrack™ Pulse-driven Programs

With the optional chest pulse upgrade, the CardioTrack™ pulse-driven programs are enabled. These programs automatically sense and respond to your heart rate to keep you in your target zone.

31 Total Workout Programs

You will never get bored with so many workout programs to choose from. Use a different workout program every day of the month for interest and variety.

1 Step™ Speed

Jump start your workout. No more scrolling all the way up to the speed you want. Hit the desired mph button and the treadmill will build up to the speed you want. Speed range: 1 to 12 mph.

1 Step™ Incline

Select an incline setting with one touch of a button. Make quick and easy adjustments throughout the workout. Incline range: 1.0% to 12.0%.

NordicTrack

Teton

Navigator™ Console with Training Zones™ and incline-driven workouts

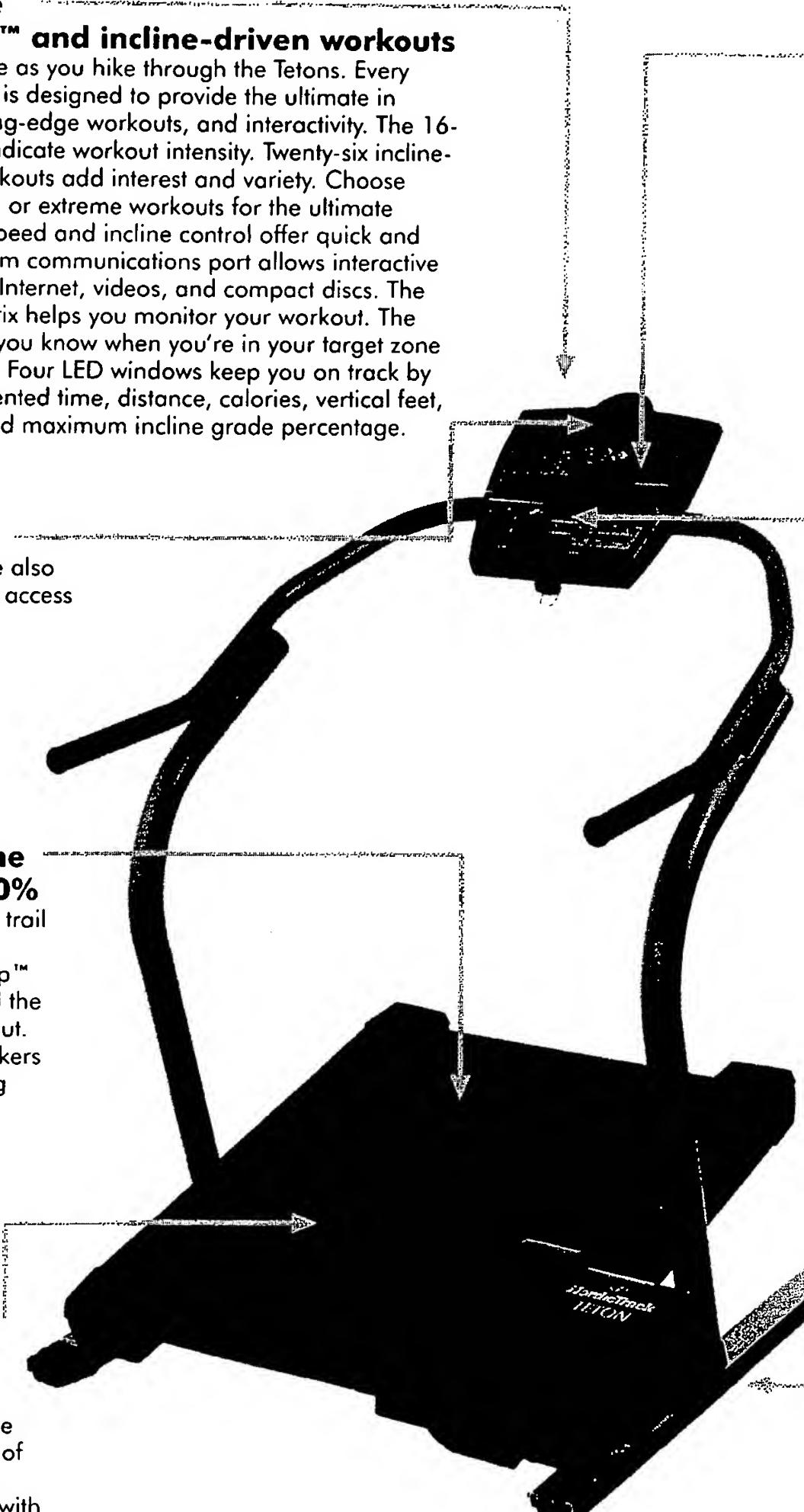
Keep your workout on course as you hike through the Tetons. Every detail of this control console is designed to provide the ultimate in motivational feedback, cutting-edge workouts, and interactivity. The 16-light LED Training Zones™ indicate workout intensity. Twenty-six incline-driven, preprogrammed workouts add interest and variety. Choose from moderate, challenging, or extreme workouts for the ultimate fitness experience. 1Step™ speed and incline control offer quick and easy adjustments. The iFit.com communications port allows interactive workouts to be run from the Internet, videos, and compact discs. The 10 x 21 workout profile matrix helps you monitor your workout. The heart-rate training zones let you know when you're in your target zone and displays your pulse rate. Four LED windows keep you on track by scanning speed, time, segmented time, distance, calories, vertical feet, incline grade percentage, and maximum incline grade percentage.

Water Bottle Holder

For convenience, the console also holds a water bottle for easy access during workouts.

1 Step™ Power Incline Range: -5.0% to 50.0%

Simulate a rugged mountain trail at the touch of a button. Outstanding range and 1Step™ control add convenience and the ability to intensify your workout. Both beginners and expert hikers will find the Teton challenging and exhilarating.



24 x 35 Industrial Treadbelt

This rugged workout surface provides an extra-wide track to ensure total freedom of movement. The textured belt allows you to hike and climb with secure, sure-footed strides.

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Motor:	2.0 HP Continuous
Incline:	-5.0% to 50.0%
Speed:	0-6 MPH
Treadbelt:	24 x 35"

NordicTrack

Teton

10 x 21 Workout Profile

Matrix

This large LED matrix displays the workout profile to provide a sense of progress while you exercise. An incline percentage bar indicates approximate percentage grade. The manual control light will indicate if no programs have been selected.

26 Incline-Driven Workouts

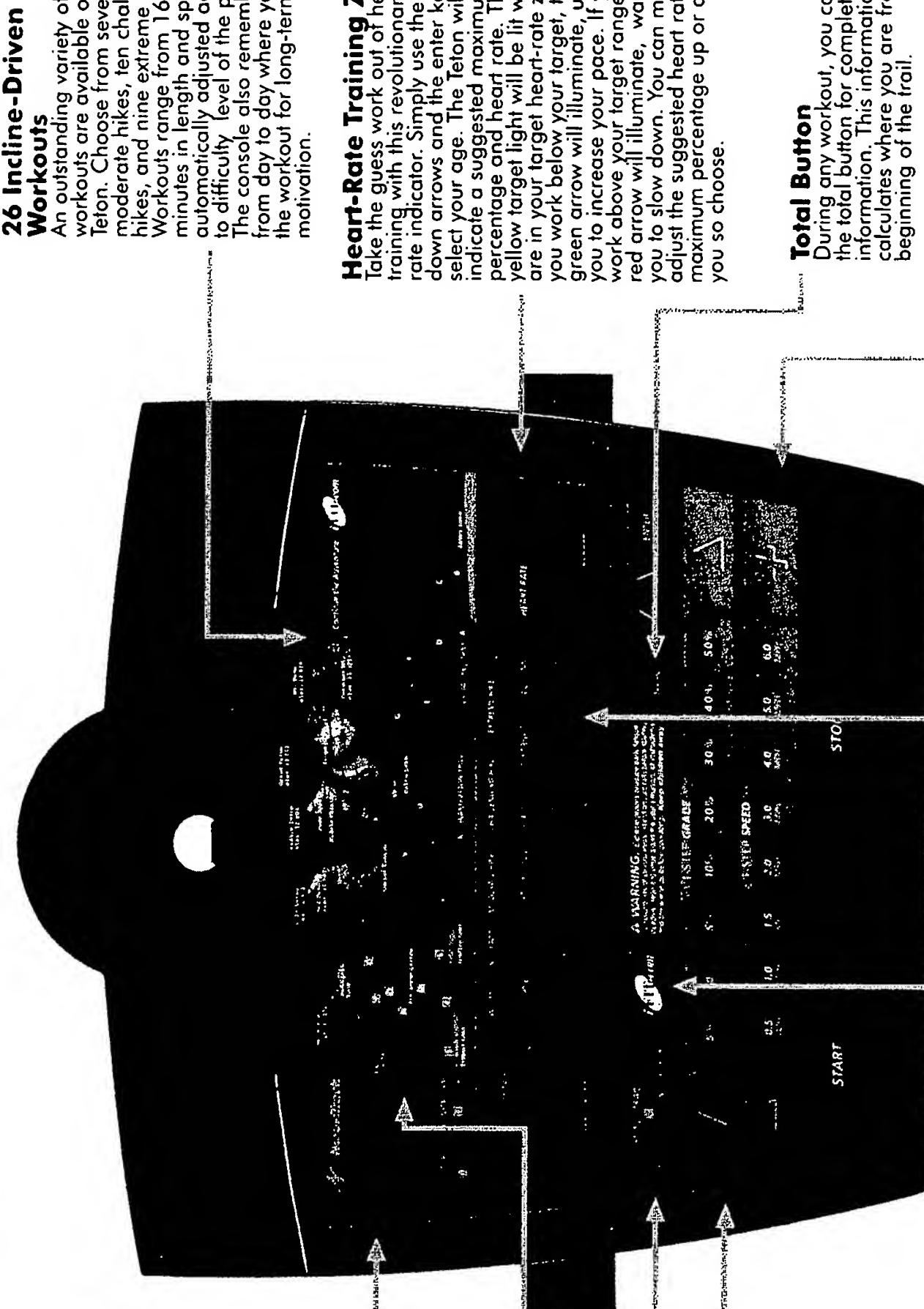
An outstanding variety of workouts are available on the Teton. Choose from seven moderate hikes, ten challenging hikes, and nine extreme hikes. Workouts range from 16 to 38 minutes in length and speed is automatically adjusted according to difficulty level of the program. The console also remembers from day to day where you are in the workout for long-term motivation.

16-light LED Training Zones™

This innovative display indicates workout intensity. Zones include warm-up/cool-down, moderate hike, challenging hike, and extreme hike.

Trail Select Buttons

Choose from moderate, challenging, or extreme workouts for the ultimate fitness experience. There are three different trails to choose from: Avalanche Canyon Trail, Grand Teton Trail, and the Delta Lake Trail. The difficulty level symbols are easily recognized with their corresponding trails.



Heart-Rate Training Zones

Take the guess work out of heart-rate training with this revolutionary pulse-rate indicator. Simply use the up and down arrows and the enter key to select your age. The Teton will indicate a suggested maximum percentage and heart rate. The yellow target light will be lit when you are in your target heart-rate zone. If you work below your target, the green arrow will illuminate, urging you to increase your pace. If you work above your target range, the red arrow will illuminate, warning you to slow down. You can manually adjust the suggested heart rate and maximum percentage up or down if you so choose.

Total Button

During any workout, you can select the total button for complete trail information. This information calculates where you are from the beginning of the trail.

1 Step™ Power Incline Range: -5.0% to 50.0%

Simulate a rugged mountain trail at the touch of a button. Outstanding range and 1 Step™ control add convenience and the ability to intensity your workout. Use the up and down arrows on either side of the 1 Step™ bar for incline adjustments in precise 1.0% increments.

iFit.com

Using iFit.com programming, interactive workouts can be run from the Internet, videos, and compact discs. These workouts are unparalleled in providing customized, goal-specific results.

0-6 MPH 1 Step™ Speed Control

Jump-start your workout. Simply push the desired mph button and the Teton will build up to the selected speed. Use the plus and minus buttons on either side of the 1 Step™ speed bar for speed adjustments in precise .10 mph increments.